

**FINAL REPORT  
OF THE  
INTERIM STUDY COMMITTEE ON  
TRANSPORTATION MATTERS**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**October, 2007**

# INDIANA LEGISLATIVE COUNCIL

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# INTERIM STUDY COMMITTEE ON TRANSPORTATION MATTERS

## Membership Roster

### Senators

Thomas Wyss, Chairperson  
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William Davis  
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### Staff

Robert Rudolph  
Attorney for the Committee

James Sperlik  
Fiscal Analyst for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

## **I. LEGISLATIVE COUNCIL DIRECTIVE**

The Legislative Council directed the Committee to study the following topics:

- A. Issues pertaining to vehicle crashes involving commercial motor vehicles (SCR 107)
- B. Feasibility and statewide benefits of an inland port in Indiana. The Committee is directed to focus its initial review on the location in Vigo and Clay Counties described in HB 1110, and to also consider the feasibility of inland ports at other locations throughout Indiana. (HB 1110 and Legislative Council)

## **II. INTRODUCTION AND REASONS FOR STUDY**

Regulation of commercial motor vehicles is an elaborate mix of Indiana<sup>1</sup> and federal law.<sup>2</sup> The occurrence of several fatal accidents recently on the Indiana Toll Road and Interstate 69 involving commercial motor vehicles was a reason for the formation of an interim study committee to determine whether any changes in Indiana law might help reduce accidents involving commercial motor vehicles.

Recent efforts by local government and community leaders in Vigo and Clay counties and the potential for acquisition of a large site with few owners located near Interstate 70 led to the request for seeking a study of the feasibility of creation of an "inland port" near Terre Haute.

## **III. SUMMARY OF WORK PROGRAM**

The Committee met three times. The Committee met on August 14 in Indianapolis to hear testimony regarding crashes involving commercial motor vehicles. On September 18, Committee members traveled to Terre Haute to hear discussion of the possibility of development of an inland port in Vigo and Clay counties. The Committee held its final meeting on October 29 to consider findings and recommendations and to approve a final report.

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1. See, for example, IC 9-20 ("Size and Weight Regulation"), IC 9-24-6 ("Commercial Driver's License"), and IC 9-27-4 ("Commercial Driver Training Schools").

2. See 49 C.F.R. Parts 300-399.

#### **IV. SUMMARY OF TESTIMONY<sup>3</sup>**

##### **Accidents Involving Commercial Vehicles.**

The Committee met on August 14 in Indianapolis to hear testimony from state and federal officials and representatives of the trucking industry about the factors that contribute to crashes involving commercial motor vehicles and possible steps that could be taken to reduce such accidents.

Using several charts, maps, and photographs, the Superintendent of the Indiana State Police discussed highway safety aspects of commercial vehicles and of the effects commercial vehicles have on transportation infrastructure. The Superintendent stated that a large percentage of accidents involving commercial vehicles are related to driver factors such as fatigue, inattention, speed and following too closely.

The Superintendent and representatives of the Indiana Department of Transportation and the Department of Revenue discussed the effects that overweight and speeding commercial vehicles have on safety and the highway infrastructure.

A representative of the trucking industry discussed action that could be taken to improve the safety of commercial vehicles. This representative, a senior member of the Indiana judiciary, and a representative of the federal Motor Carrier Safety Administration discussed enforcement problems and possible solutions. The testimony indicated that commercial motor vehicle law is not consistently enforced in Indiana; there was even testimony suggesting that federal law is not always followed.

##### **Development of an Inland Port in Vigo and Clay Counties**

The Committee met on September 18 at Hulman Field in Terre Haute to hear testimony on the potential for development of an inland port in Vigo and Clay counties near Interstate 70. The Committee heard from local government and community leaders on their efforts to make a site consisting of more than 7,000 acres an attractive location for development of an intermodal transportation facility. The Committee also heard from state and local economic development officials about those factors that make a site attractive for development of a transportation facility. The testimony indicated that decisions made by railroad corporations are crucial to the location of such facilities. Many of the witnesses agreed that the fact that there are relatively few owners of the potential site near Terre Haute is an important advantage for development of that site as an inland port.

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3. The reader can see more detail about the testimony in the minutes for the Committee posted on the General Assembly Homepage at <http://www.in.gov/legislative/> at the link "Interim Information".

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

### **Accidents Involving Commercial Vehicles.**

The Committee made the following findings of fact:

- (1) Enforcement of commercial motor vehicle law in Indiana suffers from a lack of consistency statewide.
- (2) Federal law is sometimes ignored in the enforcement of commercial motor vehicle law in Indiana.
- (3) While there is evidence for findings (1) and (2), there is insufficient statistical data to determine the extent of the problems.

The Committee made the following recommendations:

The Committee urges the Executive Branch to investigate means to fully fund and provide staff for the Commercial Vehicle Enforcement Division of the Indiana State Police to ensure compliance with the laws governing commercial motor vehicles so that safety on Indiana highways is maximized and Indiana's transportation infrastructure does not deteriorate due to illegal use of Indiana's roads.

The Committee recommends that the General Assembly enact PD 3306 (Motor vehicle violations report) as presented.  
(This recommendation was adopted by a voice vote with a quorum of Committee members present.)

The Committee recommends that the General Assembly enact PD 3397 (Penalties for overweight vehicles) with the following amendment:

Page 2, line 19, delete "may" and insert "**shall**".

(This recommendation was adopted by a vote of 7-2 as follows: Yes -- Representatives Grubb, Kersey, and Tincher, Senators Arnold, Lewis, Waterman, and Wyss. No -- Representatives Davis and Duncan.)

## **Development of an Inland Port in Vigo and Clay Counties**

The Committee made the following findings of fact:

The Committee finds that the site in Vigo and Clay counties presents a great opportunity for the development of an inland port in Indiana.

The Committee made the following recommendations:

The Committee recommends the Indiana Port Commission to begin the evaluation process to select the optimal site for a Hoosier Inland Port for intermodal commerce and an industrial development zone.

(The Committee adopted this recommendation as part of adoption of this Final Report)

The Committee adopted this Final Report by consent with a quorum of the Committee Members present.

## WITNESS LIST

|                                      |   |
|--------------------------------------|---|
| <b>Judy Anderson</b>                 | Vigo County Commissioner  |
| <b>Pete Ciancone</b>                 | City of Terre Haute   |
| <b>Mike Cline</b>                    | Deputy Commissioner - Operations, Indiana Department of Transportation  |
| <b>Jim Coffenberry</b>               |   |
| <b>Rich Cooper</b>                   | Executive Director, Indiana Ports Commission  |
| <b>Brian Hasler</b>                  | City of Terre Haute   |
| <b>Steve Johnson</b>                 | Indiana Prosecuting Attorneys Council   |
| <b>Judge Raymond Kickbush</b>        | Senior Judge, State of Indiana  |
| <b>Chris Kiefer</b>                  | Indiana Department of Transportation  |
| <b>Eric Levenhagen</b>               | Indiana Economic Development Corporation  |
| <b>Major Thomas Melville</b>         | Indiana State Police  |
| <b>Dave Osiecki</b>                  | Vice President of Safety, Security and Operations,<br>American Trucking Association                                 |
| <b>Jim Poe</b>                       | Deputy Commissioner, Indiana Department of Revenue  |
| <b>Kenneth Strickland</b>            | Division Administrator, Federal Motor Carrier Safety<br>Administration, United States Department of Transportation. |
| <b>Bill Verdeyen</b>                 | Brotherhood of Locomotive Engineers   |
| <b>Steve Witt</b>                    | President, Vigo County Economic Development Corporation   |
| <b>Superintendent Paul Whitesell</b> | Indiana State Police  |